

Exhibit 1

<p>30</p> <p>1 G. FRASER</p> <p>2 MS. KILSON: Don't guess.</p> <p>3 A. I couldn't tell you.</p> <p>4 Q. More than one semester?</p> <p>5 A. Yes.</p> <p>6 Q. More than a year?</p> <p>7 A. I don't know.</p> <p>8 Q. And in those instances were</p> <p>9 complaints filed by the faculty against the</p> <p>10 students?</p> <p>11 A. No.</p> <p>12 Q. Was a complaint filed by</p> <p>13 anybody against the students?</p> <p>14 A. Yes.</p> <p>15 Q. Who?</p> <p>16 A. The administration.</p> <p>17 Q. Who in particular?</p> <p>18 A. The office of admissions.</p> <p>19 Q. Was that complaint referred to</p> <p>20 the judiciary committee?</p> <p>21 A. No.</p> <p>22 Q. Did Dean Cooley decide the</p> <p>23 discipline that was imposed himself?</p> <p>24 A. I believe Dean Cooley decided</p> <p>25 based on consultation with perhaps vice</p>	<p>32</p> <p>1 G. FRASER</p> <p>2 telling you.</p> <p>3 MS. KILSON: I know. Off the</p> <p>4 record.</p> <p>5 (Discussion held off the record.)</p> <p>6 Q. Under the rules, the student</p> <p>7 disciplinary rules, can the Dean impose any</p> <p>8 kind of discipline on a student, summarily</p> <p>9 impose any kind of discipline on a student</p> <p>10 that is less than the suspension set forth</p> <p>11 in the authority section that we've talked</p> <p>12 about earlier?</p> <p>13 MS. KILSON: Objection to</p> <p>14 form.</p> <p>15 A. I don't know if there is a</p> <p>16 case of that so, I mean, I don't know if</p> <p>17 I'm the person to make a decision on that.</p> <p>18 Q. In the Stern School who is the</p> <p>19 person who makes decisions about --</p> <p>20 withdrawn.</p> <p>21 What is the role of the</p> <p>22 judiciary committee at the Stern School?</p> <p>23 A. To educate students and the</p> <p>24 student population about the honor code and</p> <p>25 the code of conduct, to investigate, adhere</p>
<p>31</p> <p>1 G. FRASER</p> <p>2 Deans or, you know, senior members of the</p> <p>3 Stern community.</p> <p>4 Q. Were you part of the</p> <p>5 consultations?</p> <p>6 A. Not directly with Dean Cooley,</p> <p>7 no.</p> <p>8 Q. Did you just learn the</p> <p>9 ultimate result but not the basis for the</p> <p>10 decision? Withdrawn.</p> <p>11 Did Dean Cooley ever talk to</p> <p>12 you about this particular situation?</p> <p>13 A. No.</p> <p>14 Q. Were these two separate</p> <p>15 situations or didn't it sort of arise</p> <p>16 together?</p> <p>17 A. They were related to the same</p> <p>18 general situation.</p> <p>19 MR. HERNSTADT: Can we mark</p> <p>20 this in the transcript. I may come</p> <p>21 back to you later and ask for more</p> <p>22 information and I understand --</p> <p>23 MS. KILSON: Don't get too</p> <p>24 optimistic.</p> <p>25 MR. HERNSTADT: I'm just</p>	<p>33</p> <p>1 G. FRASER</p> <p>2 any potential violations of the honor code</p> <p>3 and code of conduct.</p> <p>4 Q. Is that an independent</p> <p>5 committee?</p> <p>6 A. I'm not sure what you mean by</p> <p>7 that.</p> <p>8 Q. Fair enough. By that I mean</p> <p>9 is it independent of the administration?</p> <p>10 A. I am still not sure what you</p> <p>11 mean by independent.</p> <p>12 Q. Does the judiciary committee</p> <p>13 make its own decisions or are those</p> <p>14 decisions determined by the Stern School</p> <p>15 administration?</p> <p>16 A. The judiciary committee makes</p> <p>17 their decisions as a committee, yes,</p> <p>18 independent of the administration.</p> <p>19 Q. Does the judiciary committee</p> <p>20 have any contact with the administration in</p> <p>21 making those decisions?</p> <p>22 MS. KILSON: Objection to the</p> <p>23 form of the question.</p> <p>24 A. With regard to making the</p> <p>25 decisions I would say no. Certainly I am a</p>

9 (Pages 30 to 33)

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<p style="text-align: right;">62</p> <p>1 G. FRASER</p> <p>2 allege Mr. Rosenthal had violated?</p> <p>3 A. That's correct.</p> <p>4 Q. Did you review the complaint</p> <p>5 when you got it?</p> <p>6 A. When I received this?</p> <p>7 Q. Yes.</p> <p>8 A. Yes.</p> <p>9 Q. When you looked at it did you</p> <p>10 look at the -- you notice in the complaint</p> <p>11 it refers to the NYU Stern MBA Code of</p> <p>12 Conduct and the NYU Code of Ethical</p> <p>13 Conduct?</p> <p>14 A. Yes.</p> <p>15 Q. Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. On the second page it also</p> <p>18 refers to the Stern honor code and the</p> <p>19 University code of ethical conduct?</p> <p>20 A. Yes.</p> <p>21 Q. When you got this complaint</p> <p>22 did you review the codes that were referred</p> <p>23 to in the complaint?</p> <p>24 A. No.</p> <p>25 Q. What did you do with this when</p>	<p style="text-align: right;">64</p> <p>1 G. FRASER</p> <p>2 A. I couldn't tell you.</p> <p>3 Q. Are you aware of that ever</p> <p>4 happening during your time at NYU?</p> <p>5 A. Again, when I receive a</p> <p>6 complaint, partially to stay impartial, I</p> <p>7 forward it on.</p> <p>8 I don't inquire who has</p> <p>9 reviewed documents, who's written documents.</p> <p>10 I just receive a formal complaint and I pass</p> <p>11 it on to the chair or vice chair.</p> <p>12 Q. Is it typical that the faculty</p> <p>13 will vote as a whole to lodge a complaint</p> <p>14 against a student?</p> <p>15 MS. KILSON: Objection to the</p> <p>16 form.</p> <p>17 A. Could you reask the question?</p> <p>18 Q. Is it typical that the faculty</p> <p>19 of the Stern School will vote at, say, a</p> <p>20 Stern School faculty meeting to lodge a</p> <p>21 complaint against a student?</p> <p>22 MS. KILSON: Same objection.</p> <p>23 A. Faculty members will vote to</p> <p>24 confer degrees. I would say there's no --</p> <p>25 every case is unique, so I would say there</p>
<p style="text-align: right;">63</p> <p>1 G. FRASER</p> <p>2 you got the complaint?</p> <p>3 A. I forwarded this to the chair</p> <p>4 of the judiciary committee who at the time</p> <p>5 was Tim Colven.</p> <p>6 Q. Let me ask you to take a look</p> <p>7 at what we will mark as Exhibit 30.</p> <p>8 (Plaintiff's Exhibit 30 marked for</p> <p>9 identification.)</p> <p>10 Q. Before you turn to that, let</p> <p>11 me ask you a couple more questions if I</p> <p>12 could about the February 28th complaint.</p> <p>13 Is it typical when a complaint</p> <p>14 is lodged against a student that it will be</p> <p>15 sent to you in the form of a letter of</p> <p>16 complaint?</p> <p>17 A. Yes. Either it's a letter or</p> <p>18 an e-mail, but usually I receive a formal</p> <p>19 communication.</p> <p>20 Q. Is it typical that the letter</p> <p>21 from the faculty member or from whoever is</p> <p>22 making the complaint is reviewed by Dean</p> <p>23 Cooley before it is transmitted to you?</p> <p>24 MS. KILSON: Objection to the</p> <p>25 form of the question.</p>	<p style="text-align: right;">65</p> <p>1 G. FRASER</p> <p>2 isn't the same standard process. Even, we</p> <p>3 talked about the policies and procedures or</p> <p>4 guidelines that are followed, so I wouldn't</p> <p>5 say that there's a typical situation one</p> <p>6 way or the other.</p> <p>7 Q. Are you aware during your time</p> <p>8 at NYU of any other complaint against a</p> <p>9 student being sent to you as a result of</p> <p>10 the vote of the Stern School faculty?</p> <p>11 MS. KILSON: Objection to the</p> <p>12 form of the question.</p> <p>13 A. No, I am not aware.</p> <p>14 Q. Looking at the e-mail that's</p> <p>15 been marked as Exhibit 30, this is a</p> <p>16 document Bates stamped NYU 263, and it's an</p> <p>17 e-mail from you to Lee Sproull and CCed to</p> <p>18 Thomas Cooley and Kim Corfman.</p> <p>19 Is this an e-mail that you sent</p> <p>20 at or about the time that you received the</p> <p>21 complaint?</p> <p>22 A. Yes.</p> <p>23 Q. It says in the first line, it</p> <p>24 notes that you have alerted and reviewed</p> <p>25 the case with the MBA judiciary committee</p>

17 (Pages 62 to 65)

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1 G. FRASER
2 chair and vice chair. Do you see that?
3 A. Yes.
4 Q. Did you do that?
5 A. Yes.
6 Q. Did you meet with them
7 personally or talk to them on the phone or
8 what?
9 A. I met with them personally.
10 Q. Who is the vice chair?
11 A. Amy Margolis.
12 Q. Did you meet with the chair
13 and the vice chair pursuant to the Stern
14 School, the school disciplinary rules?
15 MS. KILSON: Objection to the
16 form of the question.
17 A. I met with them and provided
18 them with the materials from Lee Sproull.
19 Q. Why did you do that?
20 A. I typically do that.
21 Q. Do you do that because that's
22 what the disciplinary rules set forth do or
23 you do that because it's your custom?
24 MS. KILSON: Objection to the
25 form of the question.

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1 G. FRASER
2 A. Again, those are guidelines so
3 I would say I typically do that.
4 Q. What did you say to them to
5 the best of your recollection when you met
6 with them?
7 A. That we have a case. I
8 forwarded the documentation to them.
9 Q. What did you forward them,
10 just the February 28th letter?
11 A. Yes.
12 Q. Anything else?
13 A. I don't recall giving them
14 anything else.
15 Q. Two lines down you say:
16 Typically the committee will
17 assign an investigator and based on
18 information provided will conduct an
19 investigation which will determine a
20 hearing.
21 Why do you say typically?
22 A. Once again, speaking to the
23 fact that these are guidelines, I was
24 explaining to Lee how the process works.
25 Q. When you say these are

1 G. FRASER
2 guidelines, you are referring to the
3 student disciplinary rules?
4 A. Yes.
5 Q. Why do you say they are
6 guidelines?
7 A. Because every case is unique.
8 Q. Right, but every case has to
9 follow these disciplinary rules; is that
10 correct?
11 MS. KILSON: Objection to the
12 form.
13 A. I am not saying that every
14 case does. I am saying this is the process
15 we use to drive how the committee works.
16 Q. This goes back to what I was
17 asking earlier. Is this a mandatory
18 process or is it an optional process?
19 MS. KILSON: Objection.
20 A. They are guidelines.
21 Q. Where does it say that they
22 are guidelines?
23 A. It doesn't.
24 Q. So why do you say that they
25 are guidelines?

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1 G. FRASER
2 A. Because they are.
3 Q. What is the basis for saying
4 that though?
5 MS. KILSON: Objection to the
6 form.
7 A. I'm not sure of the question.
8 Q. Under Authority in the
9 policies and procedures of the student
10 disciplinary rules, the first page it says
11 that:
12 The faculty hereby delegates
13 its authority to the MBA judiciary committee
14 acting pursuant to rules and regulations
15 hereby prescribed or subsequently amended.
16 Assuming that the rules haven't
17 been amended, doesn't that say that these
18 are the rules that have to be followed?
19 MS. KILSON: Objection, form.
20 This is becoming argumentative.
21 A. It doesn't say rules. It says
22 policies and procedures, student
23 disciplinary rules.
24 Q. So then look at the second
25 sentence under Authority, number one, the

18 (Pages 66 to 69)

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1 G. FRASER
 2 A. I think the site wasn't
 3 updated.
 4 Q. But as of about April 2007,
 5 Tim Colven stopped being the chair; is that
 6 correct?
 7 A. That's correct.
 8 Q. And Amy Margolis stopped being
 9 the vice chair; is that correct?
 10 A. That's correct.
 11 Q. Do you know who took over
 12 those rules?
 13 A. Yeah. They are listed here.
 14 Mel Ochoa became the new chair and Jameela
 15 Williams became the vice chair.
 16 Q. Was Mel Ochoa the chair from
 17 about April 2007 to April 2008?
 18 A. That's correct.
 19 Q. And who became the vice chair?
 20 A. Jameela Williams.
 21 Q. When did you first start
 22 dealing with Mr. Ochoa and Ms. Williams in
 23 connection with the Rosenthal matter?
 24 A. It was before the end of the
 25 semester. I would say it was April, May

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1 G. FRASER
 2 2007.
 3 Q. Once a case is forwarded to
 4 the judiciary committee, is it the
 5 responsibility of the committee and the
 6 chair of the committee to ensure that NYU
 7 and Stern School rules are followed?
 8 A. I think it's their
 9 responsibility to evaluate the case.
 10 Q. Do they have any obligation to
 11 ensure that NYU and Stern School rules are
 12 followed?
 13 MS. KILSON: Objection, form.
 14 A. I would say they have a
 15 responsibility.
 16 Q. Were you the faculty adviser
 17 or the administration adviser?
 18 A. The faculty adviser.
 19 Q. Did you have any
 20 responsibility as faculty adviser to the
 21 committee to ensure that NYU and Stern
 22 School rules were followed or was the
 23 matter basically handed over to the
 24 committee?
 25 A. The matter is typically handed

1 G. FRASER
 2 over to the committee.
 3 Q. Do you have any kind of
 4 responsibility to make sure that the
 5 committee is following, the appropriate
 6 rules and regulations?
 7 A. I would say I act as an
 8 adviser, so I certainly work with the
 9 committee if they have some questions about
 10 the procedure.
 11 I actually assist them in --
 12 when it gets to a hearing. In addition to
 13 committee members and faculty, we also -- it
 14 is my responsibility to ask two students who
 15 are not involved in the process to sit in on
 16 the committee hearing as well too.
 17 Q. Who are the two students that
 18 sat in on the Rosenthal hearing?
 19 A. Spencer Jones was one, and I
 20 can't recall the name of the other student.
 21 I'm sure it is in the documentation.
 22 Q. How did you select them?
 23 MS. KILSON: Objection, form.
 24 A. I selected them randomly.
 25 Q. Did you ask them if they knew

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1 G. FRASER
 2 anything about the matter before you
 3 selected them?
 4 A. I did not.
 5 Q. Did you determine after you
 6 selected them whether they knew anything
 7 about the case?
 8 A. I determined that they did
 9 not.
 10 Q. Once you handed the complaint
 11 to Tim Colven and Amy Margolis on or about
 12 March 1, 2007, whose responsibility was it
 13 to move the case forward at its earliest
 14 opportunity?
 15 A. That is the chair and the vice
 16 chair.
 17 Q. Do you know what happened
 18 between March 1 and, let's say, April 5th,
 19 2007 in connection with the investigation?
 20 MS. KILSON: Objection, form.
 21 A. I don't know directly what
 22 happened, no.
 23 Q. Did you have any conversations
 24 with -- did you talk to Amy Margolis at all
 25 about the Rosenthal case?

22 (Pages 82 to 85)

<p style="text-align: right;">86</p> <p>1 G. FRASER</p> <p>2 A. I had conversations with Tim</p> <p>3 and Amy, typically together. I might have</p> <p>4 had a conversation with Tim one on one, so</p> <p>5 I had conversations with either Tim</p> <p>6 directly or Tim and Amy directly.</p> <p>7 Q. Did you have conversations</p> <p>8 with them, either Tim individually or the</p> <p>9 two of them together, in the first four or</p> <p>10 five weeks after you gave them the</p> <p>11 complaint?</p> <p>12 A. Yes.</p> <p>13 Q. When were those conversations,</p> <p>14 to the best of your recollection?</p> <p>15 A. They would provide updates on</p> <p>16 their evaluation of the case.</p> <p>17 Q. What did they say in those</p> <p>18 updates? What was their evaluation?</p> <p>19 A. I think it was what we talked</p> <p>20 about. They were evaluating whether this</p> <p>21 was a judiciary hearing or investigation or</p> <p>22 if it was a request from the faculty</p> <p>23 separate from the judiciary committee to</p> <p>24 evaluate a situation that would help them</p> <p>25 determine whether they would grant a</p>	<p style="text-align: right;">88</p> <p>1 G. FRASER</p> <p>2 committee or the judiciary committee was</p> <p>3 acting as an adviser.</p> <p>4 Q. Is there anything in the Stern</p> <p>5 School disciplinary rules that provides for</p> <p>6 the disciplinary committee acting as an</p> <p>7 adviser to the faculty?</p> <p>8 MS. KILSON: Objection to</p> <p>9 form.</p> <p>10 A. I would say the way that the</p> <p>11 leaders of the judiciary committee at the</p> <p>12 time, they looked at it as an option that</p> <p>13 they were given an ad hoc request, given</p> <p>14 that the request came out of a meeting to</p> <p>15 the faculty to decide whether they wanted</p> <p>16 to confer the degree or not.</p> <p>17 Q. Again, is there anything in</p> <p>18 the rules that provides for that type of</p> <p>19 process as opposed to -- withdrawn.</p> <p>20 Is there anything in the rules</p> <p>21 that provides for that type of process?</p> <p>22 MS. KILSON: Objection, form.</p> <p>23 A. I would say based on the</p> <p>24 faculty meeting there was discussion of</p> <p>25 uncertainty as to whether to award the</p>
<p style="text-align: right;">87</p> <p>1 G. FRASER</p> <p>2 degree.</p> <p>3 Q. Did they reach some sort of</p> <p>4 conclusion about which it was?</p> <p>5 A. I don't think they ever</p> <p>6 reached a conclusion before graduating,</p> <p>7 before turning over their responsibility to</p> <p>8 Mel Ochoa.</p> <p>9 Q. Do you remember if they turned</p> <p>10 over their responsibility to Mel Ochoa in</p> <p>11 mid April, late April, early May? Do you</p> <p>12 remember when?</p> <p>13 A. No.</p> <p>14 Q. Do you know if they attempted</p> <p>15 to make a determination whether there was a</p> <p>16 violation of the rules alleged that had</p> <p>17 been filed in the faculty's complaint?</p> <p>18 MS. KILSON: Objection, form.</p> <p>19 A. I don't believe they felt</p> <p>20 there was a violation because I think they</p> <p>21 had to evaluate the merit of the case.</p> <p>22 Q. What do you mean by the merit</p> <p>23 of the case?</p> <p>24 A. Whether it was something that</p> <p>25 would go formally through the judiciary</p>	<p style="text-align: right;">89</p> <p>1 G. FRASER</p> <p>2 degree to Ayal.</p> <p>3 I think based on that Tim</p> <p>4 Colven and Amy Margolis felt comfortable</p> <p>5 taking the position that this was</p> <p>6 potentially a case where it was about Ayal</p> <p>7 should receive his degree or not from the</p> <p>8 faculty which would then be separate than an</p> <p>9 honor code or code of conduct case.</p> <p>10 Q. Why would that be separate</p> <p>11 from an honor code or code of conduct case?</p> <p>12 A. That was their interpretation.</p> <p>13 Q. Did you agree with that</p> <p>14 interpretation?</p> <p>15 A. It's not my role to comment.</p> <p>16 My role is to allow them to determine how</p> <p>17 they will manage a process.</p> <p>18 Q. In managing a process are they</p> <p>19 required to follow the procedures set forth</p> <p>20 in the disciplinary rules?</p> <p>21 MS. KILSON: Objection, form.</p> <p>22 A. I would say that if it was</p> <p>23 that situation they would seek to follow</p> <p>24 the guidelines, but again, I think they</p> <p>25 were evaluating whether it was a case for</p>

23 (Pages 86 to 89)

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1 G. FRASER
 2 MR. HERNSTADT: I call for the
 3 production of any code of conduct
 4 signed by Ayal Rosenthal.
 5 (Request.)
 6 MS. KILSON: I will take that
 7 under advisement.
 8 Q. Looking back at Exhibit 1, the
 9 second page of the exhibit, on the
 10 left-hand side which is page 226 of
 11 University policies procedures, it says
 12 student disciplinary procedures.
 13 A. Yes.
 14 Q. And do Stern School students
 15 have to follow the student disciplinary
 16 procedures of the University?
 17 MS. KILSON: Objection, form.
 18 A. I would say the Stern School's
 19 policies outweigh the University's.
 20 Q. So if there's a conflict
 21 between the Stern School policies and the
 22 University policies, then the Stern School
 23 policies would control?
 24 MS. KILSON: Objection, form.
 25 Q. Is that correct?

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1 G. FRASER
 2 A. I would say this is the role
 3 of the chair to determine what activity to
 4 take given that students agree to all the
 5 code of conducts that I mentioned.
 6 Q. If the Stern School
 7 disciplinary rules say one thing and the
 8 University disciplinary rules say a
 9 different thing, which rules would apply to
 10 the Stern School students?
 11 MS. KILSON: Objection, form.
 12 A. I would say the Stern ones.
 13 Q. Why do you say that? What is
 14 the basis for that statement?
 15 A. I think that in signing the
 16 code of conduct, it lists the NYU Stern
 17 code of conduct and it also states in
 18 addition that a student agrees to abide by
 19 the code of conduct by the University as
 20 well.
 21 Q. You are looking in Exhibit 7,
 22 page 4 of 12, NYU 74, the second paragraph
 23 on that page?
 24 A. Yes.
 25 Q. Where it says, In addition?

1 G. FRASER
 2 A. Yes.
 3 Q. In looking at that paragraph,
 4 the last sentence says:
 5 Conduct that violates the code
 6 may be subject to both student or University
 7 discipline. Do you see that?
 8 A. Yes.
 9 Q. Where it says violates code,
 10 what code is being referred to there?
 11 A. I believe it's talking about
 12 the NYU code.
 13 Q. The NYU code of conduct?
 14 A. Yes.
 15 Q. What does matriculating and
 16 continuing student mean?
 17 A. Someone who is enrolled.
 18 Q. Is that matriculated means
 19 that a student is enrolled in the school?
 20 A. That's my interpretation,
 21 yeah. Again, I don't oversee the Office of
 22 Records and Registration, so I'm sure they
 23 have a formal definition of that.
 24 Q. Have you ever seen a
 25 definition like that written down?

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1 G. FRASER
 2 A. Of matriculation?
 3 Q. Of matriculated and
 4 continuing. That's a term that's found in
 5 the student disciplinary rules, Exhibit 7,
 6 page NYU 75, which is page 5 of 12 under
 7 jurisdiction.
 8 A. Yes.
 9 Q. Where it says:
 10 The committee has jurisdiction
 11 over disciplinary matters involving
 12 matriculated and continuing MBA students.
 13 MS. KILSON: Objection to
 14 form. What is the question?
 15 Q. My question is what is the
 16 definition of a matriculated and continuing
 17 MBA student?
 18 A. I would say students that are
 19 members of the Stern community that are
 20 enrolled in course work or still -- or
 21 their degrees have not been conferred, they
 22 have continuation of academic studies.
 23 Q. Would it include students that
 24 are not enrolled in any classes and not
 25 continuing any studies?

26 (Pages 98 to 101)

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Exhibit 2

kcorfman@stern.nyu.edu, Gary Fraser, 01:32 PM 4/17/2007, Re: [Fwd: Rosenthal Case]

To: kcorfman@stern.nyu.edu, Gary Fraser <gfraser@stern.nyu.edu>
From: Thomas Grace <tg3@nyu.edu>
Subject: Re: [Fwd: Rosenthal Case]
Cc: Tom Grace <thomas.grace@nyu.edu>, Lee Chamberlin <leona.chamberlin@nyu.edu>
Bcc:
Attached:

Kim and Gary,

As I indicated to Kim, these are my opinions/thoughts on the matter. **However, any "formal" decision/advice absolutely should come from Lee Chamberlin who should be consulted before proceeding.**

Tom

At 01:15 PM 4/17/2007, Kim Corfman wrote:

Hi Gary,

I just had a long conversation with Tom Grace and I think I have a clearer picture of the situation and our options. (I'm copying Tom, so he can correct me if I'm wrong.)

- The NYU Office of Legal Counsel has the official word on matters of jurisdiction. If Lee Chamberlin says there is reason to believe harm was done to the University (in this case, to the University's reputation) through Rosenthal's actions, our judiciary process has jurisdiction.
- Our Judiciary Committee's job is to determine a) to what degree the student's behavior damaged or endangered the School's reputation and b) what punishment is appropriate.
- If they feel the damage is minimal, they can recommend that no punishment be exacted.
- A judiciary process may only rule on behavior that has occurred and the impact of that behavior on the University. Therefore, they should only recommend withholding the degree if they believe the amount of damage he did warrants that particular punishment. A judiciary process may not recommend withholding the degree because they don't want the damage to be greater.
- If the Committee feels that withholding the degree does not fit the offense (in nature and/or severity), other penalties might be imposed (e.g., a notation of sanction on the transcript, a requirement that he take ethics instruction, delaying the degree, etc.).
- If the judiciary process does not result in a recommendation satisfactory to the School, an administrative process can be invoked.

Gary, would you please make sure the Judiciary Committee understands all this?

Thanks,
Kim

Here are three pertinent sections from the Students Guide to NYU from Tom:

- 1) From page 222 "Rules of Conduct"

Printed for Thomas Grace <tg3@nyu.edu>

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NYU000022

kcorfman@stern.nyu.edu, Gary Fraser, 01:32 PM 4/17/2007, Re: [Fwd: Rosenthal Case]

http://www.nyu.edu/students/guide/policies/student_discipline.pdf

A. All members of the University Community - students, faculty members, and members of the staff - shall comply with city, state, and federal laws and ordinances affecting the maintenance of order on University premises. Students who engage in behavior that violates these standards will be subject to the disciplinary process in the following manner:

1. Conduct that is violative of such laws and ordinances occurring on University premises may be subject to both University discipline and public sanctions as circumstances may warrant or dictate.

2. Conduct that is violative of such laws and ordinances occurring off-University premises will ordinarily not be subject to University discipline, unless such conduct a) seriously affects the interests of the University or the position of the member within the University community; or b) occurs in close proximity to University premises and is connected to violative conduct on University premises.

2) From page 224 "University Policy on Student Conduct". (second paragraph of section 2. Rules of Conduct)

2. Basic Rules of Conduct. Students are expected to conduct themselves as mature and law-abiding members of both the University community and the general community, and to comply with requests of the administrative authorities of the University for maintenance of order on University premises. Behavior which jeopardizes the health or safety of the University community, or disrupts the educational activities and supporting services of the University, is subject to review and possible penalty in accordance with the procedures and practices of the University and its colleges, schools, or divisions.

Where activities sponsored by student organizations constitute violations of University rules or of public laws and regulations, sanctions may be imposed on such organizations as well as on individual students.

The University should not use its powers to interfere with the rights of a student outside the University campus. In general, a student's off-campus activities should be subject only to sanctions of the public authorities. Where a student is convicted of a violation of law, he should not be subject to University discipline for the same offense unless his conduct seriously affects his position as a member of the academic community.

Where a student's conduct on campus constitutes violations of both University rules and public law, he may be subject to both University discipline and public sanctions.

3) From Page 227 - Resolution of Questions of Jurisdiction in Any Particular Case

C. Resolution of Questions of Jurisdiction in Any Particular Case. While questions of jurisdiction are not expected to be numerous or difficult, the following procedures shall be used where such questions arise:

1. Where a question arises as to whether a case should come within faculty or Senate jurisdiction, the question shall be referred for decision to the Office of Legal Counsel of the University.

kcorfman@stern.nyu.edu, Gary Fraser, 01:32 PM 4/17/2007, Re: [Fwd: Rosenthal Case]

2. The decision of the Office of Legal Counsel shall be both telephoned and mailed to each student who is the subject of the same or a similar complaint as the one in which the question of jurisdiction has been raised, to the Dean of the faculty of each school in which any such student is enrolled and to the Chairman of the University Judicial Board (hereinafter defined).

3. If either a student who is the subject of a complaint, or the Dean or Chairman of the Disciplinary Committee of a faculty in which such student is enrolled, or the Chairman of the University Judicial Board disagrees with the decision rendered by the Office of Legal Counsel, such person shall have the right to appeal the decision to the Committee on Organization and Governance of the University Senate.

4. The Office of the Secretary of the Senate must receive notice of such appeal no later than three days after the initial decision of the Office of Legal Counsel has been communicated to the person taking the appeal. In cases in which the student has been temporarily suspended or dismissed pending disciplinary proceedings, such notice of appeal must be received within eight hours.

----- Original Message -----

Subject: Rosenthal Case

Date: Tue, 17 Apr 2007 08:57:15 -0400

From: Kim Corfman <kcorfman@stern.nyu.edu>

Reply-To: kcorfman@stern.nyu.edu

Organization: NYU Stern

To: Lee Chamberlin <leona.chamberlin@nyu.edu>, Tom Grace <thomas.grace@nyu.edu>

CC: Gary Fraser <gfraser@stern.nyu.edu>

Dear Lee and Tom,

We need your help with this.

Tom, you provided very helpful guidance, which Gary passed along to the Stern Judiciary Committee. As I understand it, your explanation is that off-campus incidents are only subject to University disciplinary action when there is a direct effect on the University, including damage to the University's relationship with an involved external party.

Lee, Tom Cooley's perspective, based on his conversations with you, is that [REDACTED]

[REDACTED]

kcorfman@stern.nyu.edu, Gary Fraser, 01:32 PM 4/17/2007, Re: [Fwd: Rosenthal Case]

~~we give him an MBA degree.~~

At this point, the Judiciary Committee is leaning against taking the case because they feel no Stern or NYU rule applies. However, they haven't heard Tom Cooley's interpretation.

It would be tremendously helpful to us and to the process if you would help us reconcile these perspectives.

Many thanks,
Kim

--

Kim P. Corfman
Vice Dean for MBA Programs
Professor of Marketing
Stern School of Business, New York University
Henry Kaufman Management Center, 11-56
New York, NY 10012-1126
212-998-0593, 212-995-4212 (fax)

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Exhibit 3

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Notes on completing the Teaching/Graduate Fellowship Contract:

For Teaching Fellowships: position size and compensation are affected by course ENROLLMENT, course weight (full or half course), and course CREDIT load. It is your responsibility to make sure you understand how these factors will impact your position. Please consult with the Department Coordinator BEFORE marking a position size; he/she will be able to tell you how these three factors impact your specific position. For more information, see the Compensation Determination Chart on the [Policies & Eligibility](#) page by clicking on the link on the left. Please note: There is a 2-position limit during the fall & spring semesters and a 1-position limit during the Winter and Summer sessions.

Please note the following and be aware that by proceeding to the TF/GF contract below, you are agreeing to the terms and conditions of this appointment.

Eligibility: To be eligible for a Fall, Winter or Spring TF/GF position, you must be a Stern MBA student who remains enrolled in MBA courses in the Fall/Spring semester, has previously completed at least 2 semesters at Stern as a MBA student, has a GPA of at least 3.0, and has completed the course or its equivalent. For more details, please refer to the eligibility page and FAQs page. All appointments are for one semester only; therefore you must reapply for a fellowship each term you intend to work. During the Summer, all MBA & MS students are eligible.

This fellowship is a Financial Aid award. Please note: Loan eligibility may be affected when you secure a TF/GF position. As these funds are considered tuition remission, Financial Aid will simply reduce the amount of loans you will need to repay. Please refer all questions to the Stern Financial Aid Office at (212) 998-0790.

Teaching Fellows and Graduate Fellows are entitled to a 15% discount at all NYU Book Centers. Your name and Net ID will be forwarded to the NYU Card Center where it will then be recorded on the Student Information System (SIS). The bookstores can then scan your ID to verify that you get the discount. Please allow 10 business days after submitting your contract for this information to be added to your account.

Please click [here](#) to download the TF/GF Contract.

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Frequently Asked Questions

What if a TF/GF is receiving student loans?

As these funds are considered tuition remission, Financial Aid will simply reduce the amount of loans you will need to repay. For example, if a student is receiving loans and becomes a full position TF or GF, the \$3600 tuition remission award will be deducted from the loans, effectively making the loan debt smaller by \$3,600. [For an example of the award's effect on student loans, please click here](#), or contact Financial Aid at 212-998-0790 for more information.

Can a student have more than one TF or GF position at the same time?

Yes, but there is a strict limit of 2 positions, or a total of 20 hours per week. For example, a student could hold a 2 half TF positions and a full TF position for three different courses. Or a GF could work 10 hours per week in one administrative department and 10 hours per week in another administrative department at the same time.

The above applies to the Fall and Spring semesters.

What are the rules for Summer positions?

During the summer, all MBA and MS students are eligible to be a Teaching/Graduate Fellow. This includes 1st year students, recently graduated MBA students (with exception to recently graduated international students), part-time students, and MS students. TFs may not exceed the 20 hours per week maximum or 1 position and GFs can work up to 280 hours total during the summer. For additional information regarding ineligibility for graduated international students please click [here](#).

What is the limit on the number of positions that can be held during the Winter Intersession?

One position or two half positions. This will not impact the 2 position limit placed on the traditional Fall or Spring semesters.

What is the tuition remission award for a Winter Intersession class?

Generally, \$900 or \$1,800 for a 1.5-credit class, \$1,800 or \$3,600 for a 3-credit class. The amount is determined by the course's enrollment.

What are the hours for GFs during the Winter Intersession?

Because the Winter Intersession is approximately five weeks long, Graduate Fellows are eligible to work a half position (a total of 50 hours) or a full position (at total of 100 hours) during the winter term.

3/4/2010

NYU Stern - Student Jobs

Are all courses eligible for a full teaching fellowship?

Please note that some courses may only be eligible for a half TF (working 5 hours per week) based on enrollment, course weight (full or half), and credit hours. For further information, course eligibility for TFs is described in the section on Instructions to Faculty and Administrators.

How is compensation for teaching fellowships determined?

Enrollment, course weight (full or half), and credit hours are used to determine the compensation for a particular course. You should verify the compensation for a course with the department administrative coordinator/professor.

Can a teaching fellow receive additional compensation for private tutoring?

No. Students may not make independent arrangements for additional compensation to tutor students in the class to which they are assigned as a TF.

Can an NYU employee work as a Teaching Fellow, Grader, or Tutor?

No. As an employee, you are not eligible to be compensated for any of these positions.

Can a student from a school other than NYU participate in this program?

No. This is not allowed.

Can a TF/GF be paid by check instead of by tuition remission?

During the Academic Year, payment by check is only permitted if a student is a full scholarship recipient or is receiving full funding from an external source such as an employer. During the Summer Session, all full time students are eligible to be paid by check since they are not enrolled for any courses. Checks are issued by the Payroll Office, and check payments are subject to taxes.

Are Consortium Fellows or other Scholarship recipients eligible for these positions?

Yes, please see above. In such cases, students are paid via a check from the Payroll Office, which is subject to taxes.

Can TF/GF tuition remission be credited to the student's tuition bill for a semester other than the one in which the student is working?

No. Students must be paid in the semester in which they work.

Can a student be a TF/GF and a Grader at the same time?

Yes, but not for the same class, and there is a strict limit of 20 hours of work per week in total.

Can a student be a TF/GF and a Tutor at the same time?

Yes, but not for the same class, and there is a strict limit of 20 hours of work per week in total.

Can a student be a Tutor and a Grader at the same time?

Yes, but not for the same class, and there is a strict limit of 20 hours of work per week in total.

3/4/2010

NYU Stern - Student Jobs

Can a class have a TF and a Tutor at the same time?

This is not permitted at Stern's expense. However, faculty members may use their STARS accounts to pay for eligible TFs, Graders, and Tutors over and above amounts paid for by Stern.

Can a class have a TF and a Grader at the same time?

Please see above.

Can a class have a Tutor and a Grader at the same time?

Please see above.

Can a part-time student be a TF/GF?

Yes, as long as the student meets all other eligibility requirements.

Can Ph.D. students be TF/GFs?

Ph.D. students are no longer allowed to participate in this program. Consult the Doctoral Office for more information.

Can Ph.D. students be Tutors or Graders?

Yes but only with the approval of the Doctoral Office.

Can a student be a TF for a course in which she or he is also enrolled as a student?

No.

Can a student get course credit for a class in which she or he is the TF?

No.

Can a professor hire a student as a GF to do research?

No. A GF cannot be a Research Assistant for a professor. Students are hired as Research Assistants through a memo to Human Resources and are paid from the professor's STARS account. These students do not complete a TF/GF contract and do not receive tuition remission.

Can students participating in the Stern Consulting Corps (SCC) program be a TF/GF?

Yes. However, there is a strict limit of a total of 2 full positions for SCC interns with a TF/GF position. The SCC internship is considered one full position.

If I graduated during the Spring term, can I be a teaching fellow or graduate fellow during the Fall semester immediately following the academic year in which I graduated?

No. If you graduate at the end of the Spring term, you cannot hold a teaching fellowship or graduate fellowship during the following Fall semester. However, you may be eligible to hold either a teaching or graduate fellowship during the summer term of the academic year in which you have graduated. Please note however that you will be paid by check rather than tuition remission.

Exhibit 4



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GRADUATION REQUIREMENTS

Graduation Requirements**Degree Requirements Completed - Graduation Date on Transcript**

- Fall Term - January Graduate
- Spring Term - May Graduate
- Summer Term - September Graduate

Students must graduate the semester that they earn 60 credits and fulfill their degree requirements. To be considered eligible for graduation, all students must::

Application for Degree Candidacy - Full-Time M.B.A. Candidate

All MBA and MS students planning to graduate must file an [Application for Degree Form](#) with the Office of Records and Registration. Ph.D. candidates should file their application with the Doctoral Office.

Application for Degree Candidacy - Part-time M.B.A. Candidates

Part-time M.B.A. candidates who wish to have their employers notified of their graduation should file an [Employer Notification of Graduation Request Form](#) with the Office of Records and Registration along with their [Application for Degree Form](#).

Business Writing Requirement

All M.B.A. degree candidates must satisfy the [Business Writing Proficiency](#) requirement in order to qualify for graduation.

Continuous Matriculation

All degree and certificate candidates must maintain continuous matriculation during their entire program. This is normally done by completing relevant course work each Fall & Spring semester. Students in good standing who are making satisfactory progress towards completion of their program but must be away for a Fall and/or Spring semester, must [maintain matriculation](#) by paying a fee. Ph.D. candidates must receive approval from the Doctoral Office in order to maintain matriculation by fee.

Also, students permitted to complete a portion of their program at another accredited university must pay the [matriculation fee](#) for each Fall and/or Spring semester they are away from Stern.

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Academic Affairs | Policies & Procedures

- Weekend Only Coding
- Withdrawing From The Program

Incomplete Grades

For students graduating in May, all courses with incomplete grades (IP or IF) must be completed and graded by the first Friday of May. For students graduating in January or September, all courses with incomplete grades must be completed and graded by the third Monday of the month in which they filed to graduate (ie: January or September).

Incompletes not made up by this deadline will lapse to N in the case of an IP (Incomplete Passing) and F in the case of an IF (Incomplete Failing).

IMP Courses (Study Abroad and Doing Business In...)

Stern students who participate in the International Management Program (IMP) must receive passing grades in the courses taken abroad. The student will receive Stern credit and a grade of P for courses passed abroad, even though the Stern grade point average will not be affected. Candidates for graduation must have their IMP transcripts submitted to the Office of Records and Registration by the second Friday of the month in which they plan to graduate.

Scholastic Requirements

All MBA candidates must have a minimum grade point average of 2.5 in order to graduate.

Transfer Credits

Students granted permission to complete a portion of their program at another accredited institution must receive grades of B or better in the approved courses in order to receive transfer credit. Those who are away from Stern for a Fall and/or Spring semester must maintain matriculation by paying the appropriate fee. In addition, candidates for graduation must have their transcript forwarded to the Office of Records and Registration by the second Friday of the month in which they plan to graduate.

Tuition and Fees

All financial obligations (including tuition and fees, library fines and books, housing charges) must be met before a student will be allowed to graduate. In addition, the University reserves the right to withhold all information regarding the record of any student in arrears in paying tuition, fees, loans or other charges

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Stern M.B.A. students must complete the following:

- At least one course in the semester for which they are admitted; those who do not, must reapply for admission in a subsequent semester.
- At least 6 credits each academic year.
- At least 24 credits within the first three years.
- All requirements for the degree within the maximum of six years from initial enrollment in the program.

Students who are unable to maintain this pace are not permitted to continue in their degree program. Note that, although students are required to meet only these minimums to remain in the program, it is not possible to complete the M.B.A. degree requirements within the six-year limit at the minimum rates of progress.

Scholastic Requirements

Students must maintain a minimum grade point average while matriculated in degree programs. (For information on computing the grade point average, see the Examinations and Grades section.)

Students who began the program prior to January 1, 2006**The following minimums must be met to avoid dismissal or Academic Probation*:**

- 1-14 credits attempted: if GPA is less than 2.1, student is placed on academic probation.
- 15-29 credits attempted: if GPA is less than 2.1, student is dismissed from the program.
- 30 or more credits attempted: if GPA is less than 2.3, student is dismissed from the program.
- 60 credits completed: if GPA is less than 2.5, student is not eligible to graduate and is dismissed from the program.

Students who began the program after January 1, 2006**The following minimums must be met to avoid dismissal from Stern*:**

- 6-29 credits attempted: if GPA is less than 2.1, student is dismissed from the program
- 30 or more credits attempted: if GPA is less than 2.3, student is dismissed from the program
- 60 credits completed: if GPA is less than 2.5, student is not eligible to

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The Program

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graduate and is dismissed from the program

The following minimums must be met to avoid being placed on Academic Probation:

- 6-29 credits attempted:
 - GPA is less than 2.3
 - Student fails one or more courses
 - Student accumulates more than one incomplete grade
- 30 or more credits attempted:
 - GPA is less than 2.5
 - Student fails one or more courses
 - Student accumulates more than one incomplete grade

*Academic Probation is a period of time given to a student to redeem poor or unsatisfactory academic performance as prescribed by the requirements for minimum program progress.

While on Academic Probation, students will not be considered in "good academic standing" and the Academic Review Committee will have the discretion to limit eligibility and services based on this condition. Program restrictions may include all or any part of the following, but are not limited to: credit limits, eligibility for course registration, GPA requirement, student activities (clubs, treks, conferences, etc.), Study Abroad.

When grades are available after each semester, students who do not meet the minimum requirements are notified by their program's advising office, on behalf of the Academic Review Committee, that they are on Academic Probation or that they may not continue in the program. Students placed on probation must make an appointment with an academic advisor to discuss their situation and plans for improvement. Students who are dismissed from the program and who have registered prior to receiving these letters are withdrawn from their courses and given a full tuition refund. (Students who have low averages are urged not to register for the next term if there is any chance their grade point average will fall below these minimums when all the current semester's grades are reported and recorded.)

Graduation - Minimum Grade Point Average (GPA)

A 2.5 grade point average is required of all MBA program students to meet eligibility requirements for graduation. Grade point averages include all coursework that appears on the Graduate Stern transcript, whether or not it actually fulfills program requirements.

Minimum Residency Requirement

Students must complete 75% of their academic program (45 credits) at Stern. All core courses must be completed at Stern. Students may take a maximum of 15 elective credits outside of Stern on IMP courses (Study Abroad), courses at other NYU divisions, or at other AACSB accredited schools.

Full-Time Student Employment Policy

Full-time students who have completed fewer than 15 credits are strongly discouraged from taking on any type of employment that interferes with their full participation in the MBA program. Any outside employment commitment that negatively impacts the students academic, community or career experience at Stern could be subject to committee review. Students who have completed more than 15 credits and have a GPA of at least a 3.0 are pre-approved to work part time or intern for a maximum of 20 hours per week.



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POLICIES & PROCEDURES

Stern MBA Academic Policies and Procedures

This site contains all of the academic policies and procedures that relate to Stern MBA students. Please click on the policy to the right about which you are interested in learning. Policies that are specific to either the Full-Time or Part-Time programs due to differences in the programs are denoted. If not indicated otherwise, the policies apply equally to all MBA students.

For clarification on a policy and how it effects your personal situation, please consult your academic advising office:

[Full-Time MBA](#)

[Part-Time MBA; The Langone Program Office](#)

[International Programs Office \(Exchange Students\)](#)

[Dual Degree Students](#)

The MBA Academic Review Committee

Occasionally, a student may have rare and unusual circumstances that might warrant a special exception to a policy. In such cases, the student should submit a written petition to the MBA Academic Review Committee via the online application: <http://w4.stern.nyu.edu/academic/affairs/arc/>. Students are advised to consult with an academic advisor in the relevant program office before submitting a petition.

The MBA Academic Review Committee is comprised of senior administrators, faculty and program advisors. The committee meets weekly to review petitions and make decisions in consideration of the individual, extenuating circumstances. Please be advised that committee decisions are final and subsequent petitions to the same regard will not be reviewed unless new, compelling information is provided.

Academic Review Committee petitions are reviewed every Friday. Only petitions received before 3:00 pm on Thursdays will be reviewed and a response will be sent by the following Saturday no later than 2:00 pm.

Exhibit 5

<p style="text-align: right;">50</p> <p>1 Grace</p> <p>2 Legal Counsel would be a good office to speak with.</p> <p>3 MR. HERNSTADT: Let's take five minutes.</p> <p>4 (Recess.)</p> <p>5 Q. Looking at this e-mail, this is number 5,</p> <p>6 look at the second e-mail down which is at 1:15 p.m.</p> <p>7 on 4/17. Kim Corfman is writing to Gary.</p> <p>8 It says "I just had a long conversation</p> <p>9 with Tom Grace and I think I have a clearer picture</p> <p>10 of the situation and our options. (I am copying Tom,</p> <p>11 so he can correct me if I am wrong.)" Then five</p> <p>12 bullet points follow.</p> <p>13 Taking a look at those five bullet points,</p> <p>14 are those the opinions that you shared with Kim</p> <p>15 Corfman in your conversation with her?</p> <p>16 MS. KILSON: Objection to the form of the</p> <p>17 question.</p> <p>18 A. I don't believe what she wrote entirely</p> <p>19 captures my thoughts, my opinions, necessarily, but I</p> <p>20 wanted -- again, because I thought in prior e-mails I</p> <p>21 made it clear that I don't know whether -- going back</p> <p>22 to this one (indicating). "I don't know whether this</p> <p>23 would be pertinent. I don't know. Look to Stern</p> <p>24 policies."</p> <p>25 Q. Let me ask you, you pointed to Exhibit 2?</p>	<p style="text-align: right;">52</p> <p>1 Grace</p> <p>2 A. I am sorry?</p> <p>3 Q. Do you say that in any e-mail that we</p> <p>4 looked at?</p> <p>5 A. Yes.</p> <p>6 Q. Where?</p> <p>7 A. In this (indicating) one, number 2. In</p> <p>8 this paragraph I said -- the last three paragraphs --</p> <p>9 "I'm not sure. I don't know. My office wouldn't do</p> <p>10 it. I don't have jurisdiction over those things and</p> <p>11 you should look to your own policies."</p> <p>12 That's the one piece I think I conveyed</p> <p>13 that is not in here (indicating). In my e-mail</p> <p>14 response I made it clear they are opinions and</p> <p>15 thoughts. I don't rule on those matters.</p> <p>16 Q. Kim Corfman copied you so that you could</p> <p>17 correct her if she was wrong.</p> <p>18 Did you correct anything?</p> <p>19 A. I did not.</p> <p>20 Q. The bottom of that e-mail on the first</p> <p>21 page marked NYU 22, it says "Here are the three</p> <p>22 pertinent sections from the Student's Guide to NYU</p> <p>23 from Tom."</p> <p>24 Do you recognize that as the excerpts from</p> <p>25 the Student Guide?</p>
<p style="text-align: right;">51</p> <p>1 Grace</p> <p>2 A. Right.</p> <p>3 Q. You said "I don't know whether this would</p> <p>4 be pertinent."</p> <p>5 When you say "this," what are you</p> <p>6 referring to?</p> <p>7 A. This matter, this case.</p> <p>8 Q. What do you mean when you say "this would</p> <p>9 be pertinent"? I don't understand that. Could you</p> <p>10 explain what you mean by that?</p> <p>11 A. You asked me whether or not these four</p> <p>12 things capture my thoughts. Is that what you asked</p> <p>13 me?</p> <p>14 Q. Yes, whether actually the six bullet</p> <p>15 points in the 1:15 p.m. e-mail on 4/17 that Kim</p> <p>16 Corfman says reflects the conversation she had with</p> <p>17 you, whether those six bullet points are the thoughts</p> <p>18 and opinions that you gave to Kim Corfman in that</p> <p>19 conversation.</p> <p>20 A. Mostly.</p> <p>21 Q. In what way do they not reflect your</p> <p>22 thoughts and opinions?</p> <p>23 A. They don't include the fact that I am</p> <p>24 saying it's really a Stern matter, not my call.</p> <p>25 Q. Where do you say that?</p>	<p style="text-align: right;">53</p> <p>1 Grace</p> <p>2 A. I do.</p> <p>3 Q. Which we marked as Exhibit 1 that you sent</p> <p>4 to her?</p> <p>5 A. Yes. But she called me asking me what I</p> <p>6 would do. I said "These are the things that dictate</p> <p>7 what I would do but you need to look to Stern and</p> <p>8 their policies for what you would do."</p> <p>9 Q. When you say "these," you are referring to</p> <p>10 the bullet points and rules of conduct in the e-mail</p> <p>11 on Exhibit 5, is that correct?</p> <p>12 A. Yes.</p> <p>13 Q. Did you ever say that to Ms. Corfman in a</p> <p>14 telephone conversation, that she needed to look to</p> <p>15 Stern?</p> <p>16 A. I can't recall specifically whether I did</p> <p>17 or didn't.</p> <p>18 Q. To your knowledge, have any NYU students</p> <p>19 been expelled because of an off-campus crime that was</p> <p>20 not related to the students' academics or to NYU?</p> <p>21 A. Yes.</p> <p>22 Q. Please explain.</p> <p>23 A. Drug dealing.</p> <p>24 Q. Has that happened more than once?</p> <p>25 A. Yes.</p>

14 (Pages 50 to 53)

Exhibit 6

<p style="text-align: right;">50</p> <p>1 T. COOLEY</p> <p>2 are guidelines because they are not rules</p> <p>3 that are handed down by a legislative</p> <p>4 process or carved in stone. They are a set</p> <p>5 of behaviors that we agree to.</p> <p>6 Q. Does that mean that the</p> <p>7 judiciary committee could decide not to</p> <p>8 follow them if they decided not to?</p> <p>9 A. They could, and since their</p> <p>10 role is only advisory to the Dean, that</p> <p>11 would be something that would be taken into</p> <p>12 account.</p> <p>13 Q. There is nothing in the</p> <p>14 document that we have looked at so many</p> <p>15 times that says that they could choose not</p> <p>16 to follow the procedures, the policies and</p> <p>17 procedures -- there is nothing in the</p> <p>18 document that says that they could choose</p> <p>19 not to follow the policies and procedures;</p> <p>20 is that correct?</p> <p>21 MS. KILSON: Objection to the</p> <p>22 form of the question.</p> <p>23 A. Correct.</p> <p>24 Q. So is it your opinion that</p> <p>25 because of the function these policies and</p>	<p style="text-align: right;">52</p> <p>1 T. COOLEY</p> <p>2 Q. Are these policies and</p> <p>3 procedures designed to address violations</p> <p>4 of federal law?</p> <p>5 A. They do not anticipate</p> <p>6 violations of federal law. It is a very</p> <p>7 unusual circumstance.</p> <p>8 Q. Is the judiciary committee an</p> <p>9 independent committee?</p> <p>10 MS. KILSON: Objection to</p> <p>11 form.</p> <p>12 A. What do you mean by</p> <p>13 independent?</p> <p>14 Q. Can anyone direct the</p> <p>15 committee to make certain findings?</p> <p>16 A. Absolutely not.</p> <p>17 Q. You mentioned before that</p> <p>18 there is a Dean of students that is the</p> <p>19 adviser to the judiciary committee. Is</p> <p>20 that Gary Fraser?</p> <p>21 A. Yes.</p> <p>22 Q. To your knowledge does the</p> <p>23 judiciary committee follow any other</p> <p>24 policies and procedures other than the ones</p> <p>25 in Exhibit 7 that we have been looking at?</p>
<p style="text-align: right;">51</p> <p>1 T. COOLEY</p> <p>2 procedures play in the Stern School it's</p> <p>3 understood that if the judiciary committee</p> <p>4 decides to deviate from the rules it's</p> <p>5 okay?</p> <p>6 A. No, that's not my opinion.</p> <p>7 Q. So what is the basis of your</p> <p>8 saying they can not follow -- the judiciary</p> <p>9 committee is not required to follow the</p> <p>10 policies and procedures? If the basis for</p> <p>11 that statement is not in the policies and</p> <p>12 procedures themselves, where do you get it</p> <p>13 from?</p> <p>14 A. Because as I just explained, I</p> <p>15 will do this again if you insist, these</p> <p>16 guidelines, these rules, procedures, are</p> <p>17 designed for the customary kind of</p> <p>18 infraction that we encounter which includes</p> <p>19 plagiarism, cheating on exams, things which</p> <p>20 can be resolved relatively quickly.</p> <p>21 So our view and my view is that</p> <p>22 if it required proceeding in a slightly</p> <p>23 different way to ensure the integrity of the</p> <p>24 judiciary process, then that would be</p> <p>25 acceptable.</p>	<p style="text-align: right;">53</p> <p>1 T. COOLEY</p> <p>2 A. To my knowledge, no.</p> <p>3 Q. When did you first learn about</p> <p>4 the potential legal problems faced by</p> <p>5 plaintiff in this case, Ayal Rosenthal?</p> <p>6 A. In early February 2007 on a</p> <p>7 weekend.</p> <p>8 Q. How did you learn about it?</p> <p>9 A. I received an e-mail from a</p> <p>10 colleague.</p> <p>11 Q. Do you remember who?</p> <p>12 A. Bruce Buchanan.</p> <p>13 Q. You referred to him as a</p> <p>14 colleague because he is a professor at the</p> <p>15 school?</p> <p>16 A. He is a professor at the Stern</p> <p>17 School.</p> <p>18 Q. What did you hear from</p> <p>19 Professor Buchanan?</p> <p>20 A. That a Stern School student</p> <p>21 who had just recently been a TA in the</p> <p>22 Professional Responsibility class had been</p> <p>23 accused of insider trading, and I believe</p> <p>24 he attached the SEC complaint.</p> <p>25 MR. HERNSTADT: If there was</p>

14 (Pages 50 to 53)